

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**RODNEY READY, #46987**

**PLAINTIFF**

**v.**

**CIVIL NO. 1:19-cv-526-LG-RHW**

**MISSISSIPPI DEPARTMENT OF  
CORRECTIONS, MALIKA RUSH,  
KIMBERLY ECHOLS, JEREMY  
ST. JULIAN, FALISHA MCCLENDON,  
AND LYNDY RAMERO**

**DEFENDANTS**

**ORDER DISMISSING PLAINTIFF'S COMPLAINT AS MALICIOUS**

BEFORE THE COURT is pro se Plaintiff Rodney Ready's Complaint [1] filed pursuant to 42 U.S.C. § 1983. Ready is presently an inmate of the Mississippi Department of Corrections incarcerated at the South Mississippi Correctional Institution in Leakesville, Mississippi. Ready is proceeding *in forma pauperis*. See Order [7].

The Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2) (as amended), applies to prisoners proceeding *in forma pauperis*, and provides that “the court shall dismiss the case at any time if the court determines that . . . (B) the action or appeal – (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” Since Ready is a prisoner proceeding *in forma pauperis*, his Complaint is subject to the case-screening procedures set forth in 28 U.S.C. § 1915 (e)(2).

Ready's Complaint [1] is a duplication of the claims he previously litigated in *Ready v. Miss. Dep't of Corr.*, no. 1:19-cv-40 (S.D. Miss. May 15, 2019). In the

previous case, the Court dismissed Ready's § 1983 claims with prejudice. *Id.*

Ready admits in his Complaint [1] that he pursued these same claims in his previous case, civil action number 1:19-cv-40. *See* Compl. [1] at 10 (CM/ECF pagination).

"An action may be dismissed as malicious if it duplicates claims raised by the same plaintiff in previous or pending litigation." *Emmett v. Hawthorn*, 459 F. App'x 490, 491 (5th Cir. 2012) (citation omitted). A district court has "broad discretion" in dismissing a complaint as malicious. *Blakely v. Evans*, 574 F. App'x 420, 420 (5th Cir. 2014). Ready's Complaint [1] is malicious in that it duplicates the allegations presented in *Ready v. Miss. Dep't of Corr.*, no. 1:19-cv-40 (S.D. Miss. May 15, 2019). Ready is entitled to "one bite at the litigation apple—but not more." *See Pittman v. Moore*, 980 F.2d 994, 995 (5th Cir. 1993).

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that pro se Plaintiff Rodney Ready's Complaint [1] is **DISMISSED WITH PREJUDICE** as malicious pursuant to 28 U.S.C. § 1915 (e)(2)(B)(i).

**SO ORDERED AND ADJUDGED** this the 3<sup>rd</sup> day of September, 2019.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE